

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>RUTH SMITH, Individually and as Widow for the Use and Benefit of Herself and the Next of Kin of RICHARD SMITH, Deceased,</b>	)	
	)	
	)	<b>Case #: 3:05-00444</b>
	)	<b>Judge Trauger</b>
<b>Plaintiff,</b>	)	
	)	
<b>-against-</b>	)	
	)	
<b>PFIZER INC., PARKE-DAVIS, a division of Warner-Lambert Company and Warner-Lambert Company LLC, WARNER-LAMBERT COMPANY, WARNER-LAMBERT COMPANY LLC and JOHN DOE(S) 1-10,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**DECLARATION OF KENNETH B. FROMSON, ESQ.  
IN OPPOSITION TO DEFENDANTS' MOTION *IN*  
*LIMINE* TO EXCLUDE EVIDENCE OF MARKETING  
OR ADVERTISING MATERIALS AND CONDUCT**

I, Kenneth B. Fromson, deposes and states as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys for the Plaintiff in this matter.

2. This declaration is submitted in opposition to Defendants' motion *in limine* to exclude evidence of marketing or advertising materials and conduct.

3. The following documents are attached hereto in opposition to Defendants' motion:

Exhibit A - Neurontin Action Plan 2004

Exhibit B - Internal document of Manfred Hauben; Bates No. Pfizer M Hauben  
0000123-0000125

Exhibit C - Excerpt from Transcript of Akabane Yoshiharu at p. 53

Exhibit D - Gabapentin Data Capture Aid

Exhibit E - April 1, 2003 e-mail by John Marino

Exhibit F - December 7, 2000 e-mail from Joe Feczko

Exhibit G - Chart entitled "Percentage of Serious Reports For Suicide and Self injurious Behavior"

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 27, 2010

**/s/ Kenneth B. Fromson**

Kenneth B. Fromson  
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*Attorneys for Plaintiff Ruth Smith*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 27th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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**/s/ Kenneth B. Fromson**  
Kenneth B. Fromson